

REMARKS

Upon entry of the present amendment, claims 1-4, 6-8, 10-35 and 37 will remain pending in the application. Claims 1-4, 6-8, 10-13, 15, 17, 22, 24, 34 and 37 will be amended, and claims 5, 9 and 36 will be canceled. Claims 26-33 and 35 are withdrawn from consideration. Entry of the present amendment, reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicants wish to convey their appreciation to the Examiner for the interview the Examiner conducted with Applicants' U.S. representative on April 3, 2006. During the interview, the Examiner acknowledged that the features recited in dependent claim 36 did not appear to be disclosed by the applied prior art, although further consideration would be needed. The Examiner agreed that, if Applicants were to file a Supplemental Amendment which places the features of claim 36 into the independent claims of the present application, she would enter and consider the Supplemental Amendment. Applicants have done so by the present amendment.

In the Office Action of December 13, 2005, the Examiner rejected claims 1-3, 5-8, 10-16 and 22-25 under 35 U.S.C. §102(e) as being anticipated by Hyakutake (U.S. Patent No. 6,891,859). Applicants respectfully traverse the rejection for at least the following reasons.

Upon entry of the present amendment, Applicants' independent claims will include the features previously recited in dependent claim 36 (which will be cancelled), as agreed upon during the interview of April 3, 2006. In this regard, Applicants' independent claim 1 will recite a digital broadcast system which includes, inter alia, a

broadcast device that broadcasts content and information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 2 will recite a broadcast device that broadcasts content and information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 3 will recite a receiving device that determines whether content are restorable based on information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 11 will recite a reception program for a receiving device. The reception program causes the receiving device to perform operations including, inter alia, determining whether content are restorable based on information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 12 will recite a digital broadcast method for broadcasting content which includes, inter alia, multiplexing and broadcasting the content and information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 13 will recite a digital broadcast system which

includes, inter alia, a broadcast device that broadcasts content and information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 15 will recite a broadcast device that broadcasts content and information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 22 will recite a method for controlling a computer including part of a receiving device which includes, inter alia, determining whether content are restorable based on information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 24 will recite a digital broadcast method for broadcasting content which includes, inter alia, multiplexing and broadcasting the content and information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Hyakutake is directed towards a broadcasting and information processing system which includes a broadcast server 11 that broadcasts a broadcast program, and a personal computer 20 having a television reception function that demodulates a broadcast signal. The transmission signal of the broadcast program contains an ordinary television signal and a content information signal. See col. 4, lines 28-54 of

Hyakutake.

Applicants respectfully submit that Hyakutake's transmission signal does not include indicia indicating whether or not each of a plurality of types of content elements are included in the transmission signal. In contrast, Applicants' independent claims 1-3, 11-13, 15, 22 and 24 recite information on the type of content which includes indicia indicating whether or not each of a plurality of types of content elements are included in content.

Thus, Applicants respectfully submit that Hyakutake fails to disclose or suggest a digital broadcast system which includes a broadcast device that broadcasts content and information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claims 1 and 13.

Applicants also submit that Hyakutake fails to disclose or suggest a broadcast device that broadcasts content and information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claims 2 and 15.

Applicants also submit that Hyakutake fails to disclose or suggest a receiving device that determines whether content are restorable based on information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claim 3.

Applicants also submit that Hyakutake fails to disclose or suggest a reception

program that causes a receiving device to perform operations including determining whether content are restorable based on information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claim 11.

Applicants also submit that Hyakutake fails to disclose or suggest a broadcast method which includes broadcasting content and information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the contents, as recited in Applicants' amended claims 12 and 24.

Applicants also submit that Hyakutake fails to disclose or suggest a method of controlling a computer which includes determining whether content are restorable based on information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claim 22.

For at least these reasons, Applicants respectfully submit that Hyakutake fails to anticipate the inventions recited in Applicants' independent claims 1-3, 11-13, 15, 22 and 24, and thus respectfully requests the Examiner to withdraw the 35 U.S.C. §102(e) rejection and allow these claims.

Dependent claims 6-8, 10, 14, 16, 23 and 25 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claims 3, 13, 15, 22 and 24.

Furthermore, Applicants incorporate by reference in their entirety the arguments

set forth in the Response filed on March 13, 2006 with respect to the 35 U.S.C. §102(e) rejection over Hyakutake.

In the Office Action, the Examiner rejected claims 17-21 and 34 under 35 U.S.C. § 102(e) as being anticipated by Ukelson (U.S. Patent No. 6,338,096). Applicants respectfully traverse the rejection for at least the following reasons.

Upon entry of the present amendment, Applicants' independent claim 17 will recite a receiving device which includes, inter alia, a receiver that receives content, and a restoration device that determines whether the content are restorable based on information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Applicants' independent claim 34 will recite a method for communicating information which includes, inter alia, transmitting content together with information on the type of the content. The information on the type of the content include indicia indicating whether or not each of a plurality of types of content elements are included in the content.

Ukelson is directed towards a client/server architecture where a network of browsers and servers work together to transmit and receive information. A browser 14 running on a client computer 12 requests information via the HTTP protocol from a server program 20 running on another computer 22, which sends the requested data via an HTML style document. See col. 5, line 62 – col. 6, line 10 of Ukelson.

Applicants respectfully submit that the data sent by Ukelson's server program 20 does not include indicia indicating whether or not each of a plurality of types of content

elements are included in the data. In contrast, Applicants' independent claims 17 and 34 recite information on the type of content which includes indicia indicating whether or not each of a plurality of types of content elements are included in content.

Thus, Applicants respectfully submit that Ukelson fails to disclose or suggest a receiving device which includes a restoration device that determines whether content are restorable based on information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claim 17.

Applicants also submit that Ukelson fails to disclose or suggest a method for communicating information which includes transmitting content together with information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claim 34.

For at least these reasons, Applicants respectfully submit that Ukelson fails to anticipate the inventions recited in Applicants' independent claims 17 and 34, and thus respectfully requests the Examiner to withdraw the 35 U.S.C. §102(e) rejection and allow these claims.

Dependent claims 18-21 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claim 17.

Furthermore, Applicants incorporate by reference in their entirety the arguments set forth in the Response filed on March 13, 2006 with respect to the 35 U.S.C. §102(e) rejection over Ukelson.

In the Office Action, the Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Hyakutake in view of Broadwin et al. (U.S. Patent No. 6,275,989). Applicants respectfully traverse the rejection for at least the following reasons.

Applicants respectfully submit that Broadwin fails to overcome the deficiencies of Hyakutake. That is, Applicants submit that the combination of Hyakutake and Broadwin fails to disclose or suggest a receiving device that determines whether content are restorable based on information on the type of the content, where the information on the type of the content includes indicia indicating whether or not each of a plurality of types of content elements are included in the content, as recited in Applicants' amended claim 3.

Applicants respectfully submit that dependent claim 4 is in condition for allowance for at least the reasons set forth above with respect to independent claim 3.

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Hyakutake in view of Yamaguchi et al. (U.S. Patent No. 6,674,477). Upon entry of the present amendment, claim 9 will be cancelled.

Dependent claim 37, which the Examiner has not yet acted on, recites that the information on the type of the contents includes a plurality of flags, where each flag corresponds to a particular file type and indicates whether the content includes the particular file type. Applicants respectfully submit that the applied prior art fails to disclose or suggest these features, in the claimed combinations.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

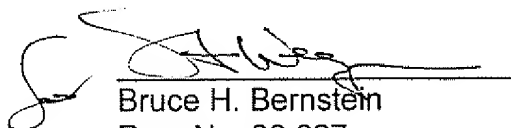
Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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